the instruction given consisted of lectures upon these same text-books, — a mode of study and instruction which has become in this school a forgotten piece of antiquity. Now the student makes his own text-book, and the subjects as well of study as of instruction are those original materials of the law which constitute the stock-in-trade alike of the judge, the practising lawyer, and the teacher.

"In 1869–70 the library was so nearly a wreck that it required to be reconstructed almost from its foundations. Now it is believed to be larger (referring only to law-books proper, and excluding statutes), more complete, and in a better condition than any other law library in the United States, with the possible exception of the national library at Washington."

There are also given many more details and tables of statistics, but these extracts are sufficient to show the marvellous progress which the school has made under the guidance of the present Dean and the unqualified success of the system which he originated.

RECENT CASES.

[These cases are selected from the current English and American decisions not yet regularly reported, for the purpose of giving the latest and most progressive work of the courts. No pains are spared in selecting *all* the cases, comparatively few in number, which disclose the general progress and tendencies of the law. When such cases are particularly suggestive, comments and references are added, if practicable.]

ADMIRALTY — WARRANT OF ARREST — ISSUANCE ON SUNDAY. — Where a seaman learned that a vessel was about to proceed to sea, having unexpectedly changed her day for sailing, and that in consequence his wages would not be paid, it was *held* that a court of admiralty would allow a warrant of arrest to issue on Sunday, though the State law forbade the service of civil process on Sunday, and though, under section 914, Rev. St., such State regulation might apply to the law side of the courts of the United States. *Pearson* v. *The Alsalfa*, 44 Fed. Rep. 358.

BILLS AND NOTES — COLLATERAL SECURITY. — Plaintiff was the holder of an interest-bearing note, secured by a mortgage on land, which she had bought from the defendant investment company. The note bore interest-coupons which were payable at the business office of the defendant, and it was the defendant's custom to pay the coupons when due, whether or not the maker had already paid the interest. *Held*, that the receipt and payment of the coupons by the defendant was a purchase by it of the coupons, and not an extinguishment; and that in the event of a coupon not being paid by the maker of the note, the defendant, as holder of the coupon, was entitled to share *pro rata* in the security of the mortgage. *Champion* v. *Hartford Investment Co.*, 25 Pac. Rep. 590 (Kan.).

COMMON CARRIERS — DELAY — VIOLENCE OF STRIKERS. — A common carrier is not liable for delay in the shipment of goods caused solely by strikers, who, by the use of lawless and irresistible violence, prevent his men from working. *Missouri Pac. Ry. Co.* v. *Levi*, 14 S. W. Rep. 1062 (Tex.).

CONSTITUTIONAL LAW — ELECTIONS — CUMULATIVE VOTING. — Const. Mich., which provides for a representative form of government, and gives to every qualified male citizen the right to vote at all elections, impliedly prohibits any elector from casting more than one vote for any candidate for office. Hence, Acts Mich., 1889, No. 254, which provides that each elector may mass his votes upon one candidate for the office of State representative by casting as many votes for such person as there are representatives to be elected in the elector's district, is unconstitutional.

Such act is unconstitutional for the further reason that voters in districts where only one representative is to be elected are placed at a disadvantage. *Maynard* v. *Board Dist. Canvassers*, 47 N. W. Rep. 756 (Mich.).

CONSTITUTIONAL LAW — KILLING INFECTIOUS ANIMALS — STATUTORY CONSTRUCTIONS. — A statute of Massachusetts provides that "in all cases of glanders, the commissioners having condemned the animal, shall cause it to be killed without appraisment." An action of tort was brought for killing the plaintiff's horse, and it was *held*, the order of the commissioners was no defence unless the animal was in fact diseased. It was admitted that this construction was likely to make the statute a dead letter, as no one would be found to undertake the risk of liability; but the construction is the natural one, and any other would make the statute unconstitutional, for the State cannot order healthy horses to be killed without compensation to the owners. Devens, Allen, and Knowlton, JJ., dissent on the ground that the State could give the commission power to decide finally whether the animal was dangerous or not, and that it did so here. *Miller* v. *Horton*, 26 N. E. Rep. 100 (Mass.).

CONSTITUTIONAL LAW — INTERSTATE COMMERCE. — An act of the Legislature of Georgia lays a tax upon all persons engaged in the business of buying and selling "futures" within the State. *Held*, that this act applied to an agent of a firm in another State, soliciting customers in the State of Georgia; and that the act was not a violation of the interstate commerce clause of the Constitution of the United States, inasmuch as the business of dealing in "futures" was generally held to be gambling, and the clause in question was not intended "to protect interstate gambling." *Alexander* v. *State*, 12 S. E. Rep. 408 (Ga.).

CONSTITUTIONAL LAW — JURY OF THE VICINAGE. — The Code of California provides that the State may have a change of venue in a criminal action "on the application of the district attorney, if from any cause no jury can be obtained for the trial of the defendant in the county where the action is pending. *Held*, that the provision is void, being in conflict with the Bill of Rights of California, which provides that "the right of trial by jury shall be secured to all and remain inviolate," the right secured being the right to trial by a jury of the vicinage, as it existed at common law. *People* v. *Powell*, 25 Pac. Rep. 481 (Cal.).

CONSTITUTIONAL LAW — ORIGINAL PACKAGES — INTOXICATING LIQUORS. — Act Pa., May 13, 1887, § 17, making it an offence to sell intoxicating liquor to a person of known intemperate habits, is not unconstitutional as an infringement of the commercial power of Congress, when applied to sales in the original package in which the liquor was imported. *Commonwealth* v. *Zelt*, 21 Atl. Rep. 7 (Pa.).

CONSTITUTIONAL LAW — POWER OF SCHOOL BOARDS. — While the Legislature may have authority to confer upon boards of education of cities power to establish separate schools for the education of white and colored children, unless such authority be expressly granted, a board of education has no such power. *Knox* v. *Board of Education*, 25 Pac. Rep. 616 (Kan.).

CONVERSION — WHAT CONSTITUTES. — The lessees of a bar-room executed a chattel mortgage on the fixtures to their landlord, the mortgage providing that the lessees should be entitled to the possession of the mortgaged property. The lessees assigned their lease to third persons. The landlord refused to allow them to remove the mortgaged property. *Held*, that this did not constitute a conversion by the landlord, since the control of the room passed absolutely to the assignees of the lease, and the plaintiffs were not bound to respect the landlord's prohibition. *Dozier* v. *Pillot*, 14 S. W. Rep. 1027 (Tex.).

EQUITY JURISDICTION — QUIETING TITLE. — The plaintiff had sold the land in question with a covenant of warranty. Subsequently the land was sold by a sheriff at a tax sale for delinquent taxes of a prior owner. Through an informality in the proceedings, if objection were taken of it before a deed was given to the purchaser at such sale, the sale was void, and could be set aside. *Held*, that though, as a general rule, a party cannot maintain a suit to remove a cloud, or a bill *quia timet*, who has no other interest than that he has sold the property with a covenant of general warranty, yet in a case where an adverse title would be acquired unless he took steps to prevent it, he may bring a bill of *quia timet*. *Jackson* v. *Kittle*, 12 S. E. Rep. 484 (W. Va.).

EXTRADITION — OFFENCE OF POLITICAL CHARACTER. — Murder incidental to and forming a part of political disturbances is an offence of a political char-

acter, and, therefore, not extraditable. To be incidental to the uprising, the offence must be committed with the intention of assisting it. *In re Castioni* [1891], 1 Q. B. 149 (Eng.).

NEGLIGENCE — DEFECTIVE BRIDGES. — A city is only bound to maintain bridges of sufficient strength to afford facilities for the ordinary travel, and therefore a person cannot recover for an injury caused by driving upon the bridge a steam traction-engine, with a water-tank and threshing-machine attached, without showing that the bridge was designed to carry loads of equal weights, or that this was an ordinary use. One who contemplates going upon a bridge with an unusual weight must himself ascertain the probable sufficiency of the bridge. *City of Wabash* v. *Carver*, 26 N. E. Rep. 42 (Ind.).

NEGLIGENCE — ELECTRIC CARS — DUTY TO KEEP A LOOKOUT. — The sounding of his gong by the motor-man of an electric street-car, which frightens a team hitched at the side of a street, causing it to run away, is not of itself negligence. The court says: "It was the duty of the driver to watch the track upon which the car was being propelled, and to avoid collisions and accidents upon the track. He was not required, we think, to keep a lookout for teams not upon or approaching the track." *North Side St. Ry. Co.* v. *Tippins*, 14 S. W. Rep. 1067 (Tex.).

NEGLIGENCE — PROXIMATE CAUSE — CONTRIBUTORY NEGLIGENCE — IMPUTABILITY. — Defendant used in connection with his coke works a railroad which formed the arc of a circle, and was crossed twice by a common carriers' railroad, which subtended the arc as a chord. By the negligence of his servant, defendant's engine collided with a passenger train at one of the crossings. Just before the collision, the servant reversed the engine, shut off steam, and jumped. The concussion threw open the throttle, and the engine ran backwards around the arc and struck the train again at the other crossing, injuring the plaintiff. *Held*, that the negligence of defendant's servant was the proximate cause of the injury, because no self-operating cause intervened. *Held*, further, that the contributory negligence of the carrier would not be imputed to the plaintiff, expressly overruling *Lockhart* v. *Lichtenthaler*, 46 Pa. St. 151. *Bunting* v. *Hogsett*, 21 Atl. Rep. 31 (Pa.).

NEGLIGENCE — PROXIMATE CAUSE. — A railroad employé was wrongfully injured in an accident, and afterwards, by mistake, poison was given him sufficient to cause the death of a well man, from the immediate effects of which he died. There was evidence tending to show that the injuries received were mortal, and that they caused him to succumb more quickly to the poison than if he had been well. The court below charged that, under the evidence, the death of the plaintiff's intestate must have resulted either from the injury he received, or from the poison he took; that the injury and the poison could not both have caused his death; that if he died from the effects of the poison, then they must find for the defendant, although his death was accelerated by reason of the injury received; or, if he died sooner from the effects of the poison than he would have died if he had not been injured. It was *held* that the charge was wrong; if the result was the necessary and inevitable effect of a first cause, and a new independent force intervened sufficient of itself to produce the effect, and only hastened the result, both causes necessarily contributed to the result. *Thompson* v. *Louisville & N. R. Co.*, 8 So. Rep. 406 (Ala.).

QUASI-CONTRACT — EQUAL EQUITIES. — A beneficiary named in a policy of insurance, but having no insurable interest in the life of the insured, paid the dues for the insured. *Held*, that he could not recover as money paid on a consideration which has failed, the policy being void only as to him, and the company having no notice that he, and not the insured, was paying the dues. *Knights and Ladies of Honor* v. *Burke*, 15 S. W. Rep. 45 (Tex.).

REAL PROPERTY — DESCENT — MURDER OF ANCESTOR BY HEIR. — A murdered his daughter for the express purpose of inheriting her land. He was convicted, and sentenced to death. *Held*, that the land did not descend to A, although he was the heir if the murder were not considered. *Shellenberger* v. *Ransom*, 47 N. W. Rep. 700 (Neb.).

Riggs v. *Palmer*, 115 N. Y. 506, and *Owens* v. *Owens*, 100 N. C. 240, are discussed by the court, and the reasoning in the former is accepted. See *ante*, p. 394.